

AMENDED IN ASSEMBLY MAY 18, 2015

AMENDED IN ASSEMBLY APRIL 29, 2015

AMENDED IN ASSEMBLY MARCH 19, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 547

Introduced by Assembly Member Gonzalez
(Coauthor: Assembly Member Mullin)

February 23, 2015

An act to amend ~~Sections 4000.5 and 4004~~ *Section 4000.5* of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 547, as amended, Gonzalez. Elections: special elections: all-mailed ballot elections.

Existing law authorizes, until January 1, 2020, San Diego County to conduct, as a pilot program, an all-mailed ballot special election or special consolidated election to fill a congressional or legislative vacancy under specified conditions. If such an election is conducted, existing law requires San Diego County to report certain information to the Legislature and the Secretary of State regarding the success of the election.

This ~~bill~~ *bill*, until January 1, 2021, would authorize San Diego County, or any city, school district, community college district, special district, or other district or political subdivision whose boundaries are located wholly ~~or in part~~ within San Diego County, to conduct an all-mailed ballot special election or special consolidated election to fill a vacancy on the legislative or governing body of those entities. The bill would authorize those entities to also hold an all-mailed ballot

special election for county initiatives, city initiatives, district initiatives, bond issues, and school measures conducted pursuant to specified provisions. The bill would extend the pilot program for San Diego County, *as described above*, until January 1, 2021, and would repeal the condition that, for a special election to fill a vacancy in a congressional or legislative office, the congressional or legislative district lie wholly within San Diego County. 2021. The bill would also require certain voter education workshops to be conducted in-person.

~~Existing law authorizes cities with a population of less than 100,000 persons, school districts, and special districts to conduct an all-mailed ballot special election to fill a vacancy on the legislative or governing body of those entities under specified conditions.~~

~~This bill would authorize those entities to also hold all-mailed ballot special elections for city initiatives and district initiatives conducted pursuant to specified provisions.~~

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of San Diego.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4000.5 of the Elections Code is amended
- 2 to read:
- 3 4000.5. (a) Notwithstanding Section 4000 or any other law,
- 4 as a pilot program, an all-mailed ballot special election or special
- 5 consolidated election in San Diego County may be conducted by
- 6 an eligible entity if the special election or special consolidated
- 7 election is any of the following:
- 8 (1) A special election to fill a vacancy in a congressional or
- 9 legislative office.
- 10 (2) A special election to fill a vacancy in the legislative body
- 11 or governing body.
- 12 (3) A special election conducted pursuant to Chapter 2
- 13 (commencing with Section 9100), Chapter 3 (commencing with
- 14 Section 9200), Chapter 4 (commencing with Section 9300), Chapter
- 15 5 (commencing with Section 9400), or Chapter 6 (commencing
- 16 with Section 9500) of Division 9.
- 17 (b) A special election or special consolidated election described
- 18 in paragraphs (1) to (3), inclusive, of subdivision (a), may be

1 conducted wholly as an all-mailed ballot election if all of the
2 following apply:

3 (1) (A) For a special election to fill a vacancy in a congressional
4 or legislative office, the Board of Supervisors of San Diego County,
5 by resolution, authorizes the use of mailed ballots for the election.
6 *election and the congressional or legislative district lies wholly*
7 *within San Diego County.*

8 (B) For all other special elections the legislative body or
9 governing body of the eligible entity, by resolution, authorizes the
10 use of mailed ballots for the election.

11 (2) The election does not occur on the same date as a statewide
12 direct primary election, statewide general election, or any other
13 election conducted in an overlapping jurisdiction that is not
14 consolidated and conducted wholly by mail.

15 (3) (A) If the boundaries of the jurisdiction of the eligible entity
16 overlap with the boundaries of a city, at least one ballot dropoff
17 location is provided per city ~~and~~ *that* is open during business hours
18 to receive voted ballots beginning not less than seven days before
19 the date of the election.

20 (B) The number of dropoff locations in unincorporated areas
21 shall be based on the number of unincorporated registered voters
22 divided by 100,000 (rounded to the next whole number) with no
23 less than one location to be selected.

24 (C) A ballot dropoff location provided for under this section
25 shall consist of a locked ballot box located in a secure public
26 building that meets the accessibility requirements for a polling
27 place.

28 (4) On at least one Saturday and Sunday on or after the date the
29 elections official first delivers ballots to voters, the elections official
30 allows any voter to vote the ballot at a satellite location within the
31 jurisdiction of the eligible entity pursuant to Section 3018. The
32 elections official shall determine the hours of operation for each
33 Saturday and Sunday, provided that the satellite location is open
34 to voters for a minimum of six hours on each designated Saturday
35 and Sunday.

36 (5) (A) At least one polling place is provided per eligible entity
37 or the polling places are fixed in a manner so that there is one
38 polling place for every 10,000 registered voters within the
39 jurisdiction of the eligible entity, as determined on the 88th day
40 before the day of the election, whichever results in more polling

1 places. A polling place shall allow a voter to request and vote a
2 ballot between 7 a.m. and 8 p.m. on the day of the election.

3 (B) The polling places provided under this section shall be
4 established in accordance with the accessibility requirements
5 described in Article 5 (commencing with Section 12280) of Chapter
6 3 of Division 12, the federal Americans with Disabilities Act of
7 1990 (42 U.S.C. Sec. 12101 et seq.), the federal Help America
8 Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.), and the federal
9 Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), and
10 shall, to the extent possible, ensure that access is evenly distributed
11 throughout the jurisdiction of the eligible entity.

12 (C) The polling places provided under this section shall be
13 established at accessible locations and shall be equipped with
14 voting units or systems that are accessible to individuals with
15 disabilities and that provide the same opportunity for access and
16 participation as is provided to voters who are not disabled,
17 including the ability to vote privately and independently in
18 accordance with Sections 12280 and 19240.

19 (D) If a polling place consolidates one or more precincts for
20 which the elections official is required to recruit precinct board
21 members who are fluent in a language in addition to English
22 pursuant to the federal Voting Rights Act of 1965 (52 U.S.C. Sec.
23 10101 et seq.), the elections official shall ensure that the polling
24 place is staffed by precinct board members who speak ~~those~~
25 ~~languages.~~ *that language.*

26 (E) If a polling place consolidates one or more precincts for
27 which the elections official is required to recruit precinct board
28 members who are fluent in a language in addition to English
29 pursuant to subdivision (c) of Section 12303, the elections official
30 shall make reasonable efforts to ensure that the polling place is
31 staffed by precinct board members who speak ~~those languages.~~
32 *that language.*

33 (6) (A) The elections official delivers to each voter all supplies
34 necessary for the use and return of the mail ballot, including an
35 envelope for the return of the voted mail ballot with postage
36 prepaid.

37 (B) The elections official delivers to each voter, with either the
38 sample ballot sent pursuant to Section 13303 or with the voter's
39 ballot, all of the following:

1 (i) A notice, translated in all languages required under
2 subdivision (c) of Section 14201 and Section 203 of the federal
3 Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), that
4 informs voters of all of the following:

5 (I) An all-mailed ballot election is being conducted and each
6 eligible voter will receive a ballot by mail.

7 (II) The voter may cast a ballot in person at a satellite location
8 provided for under paragraph (4) or at a polling place on election
9 day.

10 (III) The voter may request the elections official to send a vote
11 by mail ballot in a language other than English pursuant to Section
12 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101
13 et seq.) or a facsimile copy of the ballot printed in ~~other languages~~
14 *a language other than English* pursuant to Section 14201.

15 (ii) A list of the ballot dropoff locations, satellite locations, and
16 polling places established pursuant to this section. The list shall
17 also be posted on the Internet Web site of the elections official.

18 (iii) A postage-paid postcard that the voter may return to the
19 elections official for the purpose of requesting a vote by mail ballot
20 in a language other than English.

21 (7) (A) The elections official submits to the Secretary of State
22 a voter education and outreach plan to be implemented by the
23 eligible entity for any election conducted pursuant to this section.
24 The voter education and outreach plan shall include, but shall not
25 be limited to, all of the following:

26 (i) One education and outreach meeting that ~~shall include~~
27 *includes* representatives, advocates, and other stakeholders
28 representing each community for which the eligible entity is
29 required to provide voting materials and assistance in ~~other~~
30 *languages a language other than English* under subdivision (c) of
31 Section 14201 and the federal Voting Rights Act of 1965 (52
32 U.S.C. Sec. 10101 et seq.).

33 (ii) One education and outreach meeting that ~~shall include~~
34 *includes* representatives from community organizations and
35 individuals that advocate on behalf of, or provide services to,
36 individuals with disabilities.

37 (iii) At least one in-person bilingual voter education workshop
38 for each language in which the eligible entity is required to provide
39 voting materials and assistance under subdivision (c) of Section

1 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec.
2 10101 et seq.).

3 (iv) At least one in-person voter education workshop to increase
4 accessibility for participation of eligible voters with disabilities.

5 (v) A toll-free voter assistance hotline maintained by the
6 elections official that ~~shall be~~ *is* operational no later than the date
7 that vote by mail ballots are mailed to voters until 5 p.m. on the
8 day after the special election. The toll-free voter assistance hotline
9 shall provide assistance to voters in all languages in which the
10 eligible entity is required to provide voting materials and assistance
11 under subdivision (c) of Section 14201 and the federal Voting
12 Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

13 (vi) At least one public service announcement in the media,
14 including newspapers, radio, and television, that serve
15 English-speaking citizens for purposes of informing voters of the
16 upcoming election and promoting the toll-free voter assistance
17 hotline.

18 (vii) At least one public service announcement in the media,
19 including newspapers, radio, and television, that serve
20 non-English-speaking citizens for each language in which the
21 eligible entity is required to provide voting materials and assistance
22 under subdivision (c) of Section 14201 and the federal Voting
23 Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) for purposes of
24 informing voters of the upcoming election and promoting the
25 toll-free voter assistance hotline.

26 (viii) A voter education social media strategy that is developed
27 in partnership with community organizations and individuals that
28 advocate on behalf of, or provide services to, non-English-speaking
29 individuals and individuals with disabilities.

30 (B) The voter education and outreach plan shall be posted on
31 the Internet Web site of the Secretary of State and on the Internet
32 Web site of the elections official.

33 (c) Except as otherwise provided in this section, the election
34 day procedures shall be conducted in accordance with Division
35 14 (commencing with Section 14000).

36 (d) The elections official may provide, at his or her discretion,
37 additional ballot dropoff locations and polling places for purposes
38 of this section.

39 (e) The return of voted mail ballots is subject to Sections 3017
40 and 3020.

1 (f) (1) If the eligible entity conducts a special election pursuant
2 to this section, it may process vote by mail ballot return envelopes
3 beginning 29 days before the election. Processing vote by mail
4 ballot return envelopes may include verifying the voter's signature
5 on the vote by mail ballot return envelope and updating voter
6 history records.

7 (2) If the eligible entity conducts a special election pursuant to
8 this section, it may start to process vote by mail ballots on the 10th
9 business day before the election. Processing vote by mail ballots
10 includes opening vote by mail ballot return envelopes, removing
11 ballots, duplicating any damaged ballots, and preparing the ballots
12 to be machine read, or machine reading them, but under no
13 circumstances shall a vote count be accessed or released until 8
14 p.m. on the day of the election.

15 (g) Results of any vote by mail ballot tabulation or count shall
16 not be released before the close of the polls on the day of the
17 election.

18 (h) For the sole purpose of reporting the results of an election
19 conducted pursuant to this section, upon completion of the ballot
20 count, the elections official shall divide the jurisdiction into
21 precincts pursuant to Article 2 (commencing with Section 12220)
22 of Chapter 3 of Division 12 and shall prepare a statement of the
23 results of the election in accordance with Sections 15373 and
24 15374.

25 (i) The elections official shall compile an index, list, or file of
26 all persons who voted in an election conducted pursuant to this
27 section. If the elections official uses data-processing equipment
28 to compile the index, list, or file, he or she shall retain an accurate
29 copy of that index, list, or file in electronic format for a period of
30 10 years.

31 (j) (1) If an election is conducted pursuant to this section, the
32 eligible entity shall report to the Legislature and to the Secretary
33 of State regarding the success of the election, including, but not
34 limited to, all of the following:

35 (A) Any statistics on the cost to conduct the election.

36 (B) The turnout of different populations, including, but not
37 limited to, and to the extent possible, the population categories of
38 race, ethnicity, language preference, age, gender, disability,
39 permanent vote by mail status, and political party preference.

1 (C) The number of ballots that were not counted and the reasons
2 they were rejected.

3 (D) Voter fraud.

4 (E) Any other problems that become known to the eligible entity
5 during the election or canvass.

6 (2) Whenever possible, using the criteria set forth in paragraph
7 (1), the report shall compare the election conducted pursuant to
8 this section to similar elections not conducted pursuant to this
9 section in the same jurisdiction or comparable jurisdictions.

10 (3) Within six months after the date of the election or before
11 the date of a subsequent election conducted pursuant to this section,
12 whichever is sooner, the eligible entity shall do all of the following
13 with respect to the report required by this subdivision:

14 (A) Submit the report to the Legislature in compliance with
15 Section 9795 of the Government Code.

16 (B) Submit the report to the Secretary of State.

17 (C) Post the report on the Internet Web site of the elections
18 official.

19 (k) For purposes of this section, “eligible entity” means both of
20 the following:

21 (1) San Diego County.

22 (2) A city, school district, community college district, special
23 district, or other district or political subdivision organized pursuant
24 to state law, whose boundaries are located wholly or in part within
25 San Diego County.

26 (l) This section shall remain in effect only until January 1, 2021,
27 and as of that date is repealed, unless a later enacted statute, that
28 is enacted before January 1, 2021, deletes or extends that date.

29 ~~SEC. 2. Section 4004 of the Elections Code is amended to read:~~

30 ~~4004. (a) “Small city” means a city with a population of~~
31 ~~100,000 or less, as determined by the annual city total population~~
32 ~~rankings by the Demographic Research Unit of the Department of~~
33 ~~Finance.~~

34 ~~(b) “Eligible entity” means a school district or a special district.~~

35 ~~(c) Notwithstanding Sections 1500 and 4000, an election in an~~
36 ~~eligible entity may be conducted wholly as an all-mailed ballot~~
37 ~~election, subject to the following conditions:~~

38 ~~(1) The legislative body of the small city or governing body of~~
39 ~~the eligible entity, by resolution, authorizes the use of mailed~~
40 ~~ballots for the election.~~

1 ~~(2) The election is either of the following:~~

2 ~~(A) A special election to fill a vacancy in the legislative body~~
3 ~~or governing body.~~

4 ~~(B) A special election conducted pursuant to Chapter 3~~
5 ~~(commencing with Section 9200) or Chapter 4 (commencing with~~
6 ~~Section 9300) of Division 9.~~

7 ~~(3) The election is not held on the same date as a statewide~~
8 ~~primary or general election.~~

9 ~~(4) The election is not consolidated with any other election,~~
10 ~~except another special election.~~

11 ~~(5) The return of voted mail ballots is subject to Section 3017.~~

12 *SEC. 2. The Legislature finds and declares that a special law*
13 *is necessary and that a general law cannot be made applicable*
14 *within the meaning of Section 16 of Article IV of the California*
15 *Constitution because of the voting behavior, demographic*
16 *characteristics, and unique special election experiences of San*
17 *Diego County. It is the intent of the Legislature that the provisions*
18 *of this act continue the pilot program that may be used for future*
19 *special elections.*